

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA, §
§
Plaintiff, §
§
VS. § CRIMINAL ACTION NO. H-95-163
§ CIVIL ACTION NO. H-05-2451
JAMES ADAMS WATTS, §
§
Defendant. §

ORDER OF DISMISSAL

James Adams Watts filed a motion in July 2005 under Rule 47 of the Federal Rules of Criminal Procedure, challenging the sentence for bank robbery that he received in 1996. The government's answer and responsive motion asked this court to dismiss for want of jurisdiction, on the basis that Rule 47 provides and argued that the motion was in fact a second or successive motion under 28 U.S.C. § 2255. The government also pointed out that such a motion could not properly be filed in this court unless and until Watts had obtained leave to file it from the United States Court of Appeals for the Fifth Circuit. The government also noted that limitations would bar any such motion.

Watts has now moved to dismiss his own motion under Rule 47, agreeing that this court lacks jurisdiction under that rule to issue Watts the relief he seeks and that he must first obtain leave from the Court of Appeals to file a motion for such relief. Watts's motion for "immediate release from his illegal conviction and sentence" is dismissed. This court notes that the Fifth Circuit has previously affirmed Watts's conviction and sentence; the United

States Supreme Court has denied his application for a writ of *certiorari*; this court has dismissed his motion to vacate filed under 28 U.S.C. § 2255, with prejudice; the Fifth Circuit denied a certificate of appealability in his appeal; and the Supreme Court again denied a writ of *certiorari*.

The motion filed under Rule 47 is denied. This civil action is dismissed.

SIGNED on January 3, 2006, at Houston, Texas.



Lee H. Rosenthal
United States District Judge